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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HYLTON, ROBIN ANNETTE

ART UNIT PAPER NUMBER

3727

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,713

Applicant(s)

WEI, ZHANG SHAO

Examiner

Robin A. Hylton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,13-16 and 20-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7,13-16 and 20-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on November 28, 2003. These drawings are not approved by the examiner. The drawings introduce new matter. The drawings figures appear to delete or provide details not distinguishable in the originally filed drawings. For instance, the structure of the valve in figure 3 appears to add slits not readily seen in the originally filed drawings and the structure of figures 6 is adds a hanger not originally depicted.

Specification

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "means for sealing the flexible members such that a chamber forms therebetween" and "a gusset for reinforcement".

Claim Rejections - 35 USC § 112

3. Claim 7 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The disclosure as originally filed does not set forth both a means for selective flow restriction and means for sealing the flexible members. The specification at paragraph 0024 sets forth a means for flow restriction comprising a valve having a stem, a stopper and a gosset, the stopper said to be inserted into the stem which is pushed into the chamber.

4. Claims 7 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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It is unclear if applicant is intending to set forth the valve or its component parts as both the "means for flow restriction" and "means for sealing the flexible members."

Claim 7 recites the limitation "the flexible members" in line 8. There is insufficient antecedent basis for this limitation in the claim since the claim previously sets forth "at least one flexible member" which does not require the presence of more than one flexible member.

It is unclear how the sealed end of the valve comprises a plug. It is suggested the language of the claim be amended to set forth the plug is opposite the sealed end as set forth in the disclosure.

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 7 and 20-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perali et al (US 4,914,762) in view of Jaw (US 5,119,842).

It is noted applicant has invoked the provisions of 35 USC 112, 6th paragraph.

Perali teaches an inflatable body of plural members having a valve for inflating and deflating the body. Perali teaches the valve can be of any structure (col. 2, lines 37-39).

Jaw teaches it is known to provide a valve having a flared portion attachable to an opening of an inflatable body, a sealed body, an openable slit adjacent a sealed end of the body and a stopper for sealing the valve opening. To the degree the material is resilient, it is retractable into the body and extendable out of the body. (Prior art figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the valve of Jaw to the body of Perali. Doing so is an obvious matter of choice expedient for manufacturing and use as taught by Jaw.

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7. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over the prior art as applied to claim 20 above, and further in view of Breedlove (US 5,191,665).

Perali as modified teaches the claimed body except for a hanger.

Breedlove teaches it is known to provide a hanger to a container body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further apply a hanger to the modified container of Perali. Doing so allows one to easily carry the container from place to place and allows for hanging storage of the container.

8. Claims 13-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Perali in view of Jaw and Breedlove.

Perali teaches an inflatable body of plural members having a valve for inflating and deflating the body. Perali teaches the valve can be of any structure (col. 2, lines 37-39).

Jaw teaches it is known to provide a valve having a flared portion attachable to an opening of an inflatable body, a sealed body, an openable slit adjacent a sealed end of the body and a stopper for sealing the valve opening. To the degree the material is resilient, it is retractable into the body and extendable out of the body. (Prior art figures 1 and 2).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the valve of Jaw to the body of Perali. Doing so is an obvious matter of choice expedient for manufacturing and use as taught by Jaw.

Additionally, Perali as modified teaches the claimed body except for a hanger and specifically sets forth a vinyl material.

Breedlove teaches it is known to provide a hanger to a container body.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to further apply a hanger to the modified container of Perali. Doing so allows one to easily carry the container from place to place and allows for hanging storage of the container.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a vinyl material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Regarding the ornamental design of the member, it is known that an ornamental design or pattern is formed in various materials, and thus the products formed thereby.

Response to Arguments

9. Applicant's arguments filed November 17, 2003 have been fully considered but they are not persuasive.

Regarding applicant's remarks to the drawings, the drawings as a whole provide more details not seen in the originally filed drawings and/or deletes details seen in the originally filed drawings. It is noted the originally filed drawings are photocopies of photographs.

Regarding the rejection under 35 USC 112, first paragraph, the description of the means for sealing the flexible members is not clearly set forth in the specification. As set forth in the rejection above, the specification clearly sets forth a means for flow restriction comprising a valve having a stem, a stopper and a gasket. There is no clear description of the stopper being a sealing means to form a chamber.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. ***.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office Actions directly into the Group at (703) 872-9306. This practice may be used for filing papers not requiring a fee. It may also be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into Group 3720 will be promptly forwarded to the examiner.

13. It is called to applicant's attention that if a communication is faxed before the reply time has expired, applicant may submit the reply with a "Certificate of Facsimile" which merely asserts that the reply is being faxed on a given date. So faxed, before the period for reply has expired, the reply may be considered timely. A suggested format for a certificate follows:

I hereby certify that this correspondence for Application Serial No. _____ is being facsimiled to The U.S. Patent and Trademark Office via fax number (703) 872-7306 on the date shown below:

Typed or printed name of person signing this certificate

Signature_____

Date_____

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14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robin Hylton whose telephone number is (703) 308-1208. The examiner works a flexible schedule, but can normally be reached on Monday - Friday from 9:00 a.m. to 4:00 p.m. (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee Young, can be reached on (703) 308-2572.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers should be directed to Errica Bemby at (703) 306-4005.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

RAH
March 6, 2004


Robin A. Hylton
Primary Examiner
GAU 3727